

**Amendments to the Claims:**

A clean version of all the pending claims after entry of the present Amendment is set forth in Appendix 1.

Please cancel claim 4.

**Amendments to the Claims:**

A clean version of all the pending claims after entry of the present Amendment is set forth in Appendix 1.

In accordance with 37 C.F.R. §1.121, please substitute for claim 1 and 2 the following rewritten versions of the same claims, as amended.

1. (amended) A method for promoting collagen production in a fibroblast of a subject comprising topically administering to said subject a collagen production promoter composition in an amount effective to promote collagen production in a fibroblast, wherein said composition comprises, as active components, (i) 0.0001 to 30.0% by weight, based upon the total weight of the composition, of an extract obtained by extracting a shoot of *Fagus crenata* with at least one solvent, wherein the solvent is selected from the group consisting of water, ethanol, methanol, propanol, butanol, 1,3-butylene glycol and any mixtures thereof, and (ii) [vitamin C] a compound selected from the group consisting of L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside or dipotassium DL- $\alpha$ -tocopherol-L-ascorbate phosphate diester or mixtures thereof in an amount effective for synergistic promotion of collagen production.

2. (amended) A method as claimed in claim [in] 1, wherein the extract from a shoot of a *Fagus crenata* is contained in a range of 0.0001 to 10.0% by weight based upon total weight of the composition.

Please add new claims 3 and 4.

3. (new) A method as claimed in claim 1, wherein the compound is L-ascorbate-2-glycoside.

4. (new) A method for promoting collagen production in a fibroblast of a subject comprising topically administering to said subject a collagen production promoter composition in an amount effective to promote collagen production in a fibroblast, wherein said composition comprises, as active components, (i) 0.0001 to 30.0% by weight, based upon the total weight of the composition, of an extract obtained by extracting a shoot of *Fagus crenata* with at least one solvent, wherein the solvent is selected from the group consisting of water, ethanol, methanol, propanol, butanol, 1,3-butylene glycol and any mixtures thereof, and (ii) vitamin C or derivative thereof in an amount effective for synergistic promotion of collagen production.

Japanese Patent Application Ser. No. 9-19673, filed January 17, 1997

7. We verily believe that originally issued patent may be partly inoperative or invalid by reason of Applicants claiming more or less than Applicants had the right to claim in the patent, and by an additional reason of a typographical error. At least one error is that claim 1 (and thus dependent claim 2) may be lacking in proper scope of coverage. Specifically, claim 1 recites the term "Vitamin C." The '165 patent specification defines "Vitamin C's" as including Vitamin C and derivative thereof (such as those disclosed in the '165 patent, col. 4, ll. 45-49 and 59-67). We did not intend to limit claim 1 (and therefore claim 2) to the administration of a composition comprising only one form of "Vitamin C," i.e., L-ascorbic acid. We desired during prosecution to have claim 1 encompass the "Vitamin C's" listed in the specification, such as L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside, dipotassium DL- $\alpha$ -tocopherol-L-ascorbate phosphate diester or mixtures thereof.

8. We seek correction by reissue of error by amending claim 1 and 2, and adding claim 3. We amend claim 1 to clarify that any of the "Vitamin C's" listed in the specification may be used in the claimed method. As originally intended, amended claim 1 now comprises the administration of a composition comprising a compound selected from the group consisting of L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside or dipotassium DL- $\alpha$ -tocopherol-L-ascorbate phosphate diester or mixtures thereof. In addition, we add claim 3 (dependent on claim 1) directed to the administration of a composition comprising one of the Vitamin C's, L-ascorbate-2-glycoside. We also amend claim 2 to correct a minor typographical error.

9. We submit that all errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on the part of Applicants.

10. We hereby appoint Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; George E. Quillin, Reg. No. 32,792; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Harold C. Wegner, Reg. No. 25,258; Glenn Law, Reg. No. 34,371;

Beth A. Burrous, Reg. No. 35,087; George C. Beck, Reg. No. 38,072; Stephen B. Maebius, Reg. No. 35,264; Andrew E. Rawlins, Reg. No. 34,702; Michele M. Simkin, Reg. No. 34,717; Pavan K. Agarwal, Reg. No. 40,888; Marc K. Weinstein, Reg. No. 43,250; and Jacqueline D. Wright, Reg. No. 45,239 as our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith, and request that all correspondence be sent to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109 at (202) 672-5300.

11. We declare further that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and thus such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Respectfully submitted,

Nov. 13th, 2003

Date

Yasukazu Nakayama

Yasukazu Nakayama

November 11th, 2003

Date

Nao Kojima

Nao Kojima